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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE

CITY OF AGOURA HILLS, a municipal
corporation; CITY OF MALIBU, a municipal
corporation,

Petitioners and Plaintiffs,

v.

COUNTY OF VENTURA, a subdivision of the
State of California; BOARD OF
SUPERVISORS OF THE COUNTY OF
VENTURA, a legislative body; and DOES 1-
25, inclusive,

Respondents and Defendants.

AHMANSON LAND COMPANY, a California
corporation; and WASHINGTON MUTUAL
BANK, a California corporation; and ROES 26-
50, inclusive,

Real Parties in Interest.

Case No.: RIC 390522

Judge Dallas Holmes, Dept. 2

**COUNTY OF VENTURA AND
AHMANSON LAND COMPANY'S
OPPOSITION TO NOTICE OF
RELATED CASES FILED BY THE
COUNTY OF LOS ANGELES**

Complaint Filed: January 17, 2003
Trial Date: None
Discovery Cut-off: None
Motion Cut-off: None

1 **I. INTRODUCTION**

2 Ahmanson Land Company ("Ahmanson") submits this opposition to the
3 Notice of Related Cases filed by County of Los Angeles ("LA County") pursuant to Rule
4 804 of the California Rules of Court. The Notice identifies this action as being related to
5 *Ahmanson Land Company v. County of Los Angeles, et al.*, Los Angeles County Superior
6 Court, Case No. BS 082459, a lawsuit filed by Ahmanson against LA County for its failure
7 to hold a hearing on an oak tree permit appeal that has been pending for over 8 years. These
8 two cases are not related. Quite simply, LA County's case does not "involve the same or
9 similar claims", it does not "involve the same property, transaction or event", nor does it
10 "involve the same facts and the same questions of law" as required by Rule 804 of the
11 California Rules of Court.

12 LA County filed this instant case to challenge Ventura County's December 19,
13 2002 certification of a Supplemental Environmental Impact Report ("SEIR") and its
14 approval of a master tract map for Phase A of the Ahmanson Ranch Project, primarily on the
15 grounds that Ventura County violated the California Environmental Quality Act ("CEQA").¹
16 Ahmanson's oak tree permit lawsuit concerns a very narrow procedural issue – whether the
17 Los Angeles County Regional Planning Commission ("Commission") is required to hold a
18 hearing on an oak tree permit appeal. Ventura County, in its proceedings on the SEIR and
19 the Phase A master tract map, did not consider LA County's action, nor could it have. LA
20 County filed this action in January 2003, but the Commission did not refuse to hear the oak
21

22 ¹ Four other lawsuits have been filed challenging Ventura County's action, for a total of
23 five lawsuits. [*City of Calabasas v. County of Ventura, Board of Supervisors of the County*
24 *of Ventura* (Case No. RIC390527, filed January 16, 2003); *County of Los Angeles v. County*
25 *of Ventura, Board of Supervisors of the County of Ventura* (Case No. RIC390540, filed

26 January 17, 2003); *City of Agoura Hills, City of Malibu v. County of Ventura, Board of*
27 *Supervisors of the County of Ventura* (Case No. RIC390522, filed January 17, 2003); *City*
28 *of Los Angeles v. County of Ventura, Board of Supervisors of the County of Ventura* (Case

No. RIC390523, filed January 21, 2003); *Rally to Save Ahmanson Ranch, Save Open*
Space/Santa Monica Mountains, Heal the Bay, Natural Resources Defense Council, Sierra
Club, California Native Plant Society, Wishtoyo Foundation v. County of Ventura, Board of
Supervisors of the County of Ventura (RIC390485, filed January 21, 2003).] At the April
24, 2003 status conference, the Court determined that the issues in these cases would be
consolidated pursuant to Section 1048 of the Code of Civil Procedure.

1 tree permit appeal until April 2, 2003, when it took the scheduled April 16, 2003 hearing off
2 calendar, indefinitely.

3 LA County states in its Notice of Related Cases that its fifth cause of action for
4 declaratory relief in this instant case is related to Ahmanson's oak tree lawsuit. This cause of
5 action raises several procedural concerns. First, it purports to seek a declaration of rights
6 between LA County and Ahmanson, but Ahmanson is not a defendant in the case, only
7 Ventura County is a defendant. Second, any declaratory relief action against Ahmanson by
8 LA County regarding oak trees located in LA County should have been filed in LA County
9 Superior Court, the correct forum for this action, not the Ventura County Superior Court.
10 Third, when LA County filed this action in January 2003, no actual controversy existed
11 between LA County and Ahmanson because, up until April 2, 2003, LA County had a
12 hearing scheduled for April 16, 2003 on the oak tree permit appeal.

13 In addition to these procedural deficiencies, the evidentiary records for these
14 two cases are distinct. The administrative record for the SEIR and Phase A master tract map
15 does not include the administrative files for the oak tree permit proceedings in LA County.
16 Again, chronologically, it would be impossible for the April 2, 2003 Commission action to
17 be included in the administrative record for actions taken by Ventura County four months
18 earlier. For all of these reasons, Ahmanson opposes this Notice of Related Cases.

19 **II. FACTUAL BACKGROUND**

20 The five lawsuits filed by LA County and others against Ventura County
21 challenge its December 19, 2002 certification of the SEIR and approval of the Phase A
22 master tract map for the Ahmanson Ranch Project. On the other hand, Ahmanson filed the
23 oak tree permit lawsuit against LA County to compel it to hold a hearing on an oak tree
24 permit appeal. The merits of the SEIR or even the approval of the oak tree permit are not at
25 issue in the oak tree lawsuit – it is only the single procedural issue of whether LA County is
26 required to hold a hearing. Accordingly, the parties are different and the claims are different.

27 Specifically, all of the five lawsuits challenge various aspects of the most
28 recent, December 19, 2002 approvals related to the Ahmanson Ranch Project in Ventura

County. The primary claim in all of these lawsuits is that Ventura County violated CEQA by certifying the SEIR and approving the Phase A master tract map, and all five lawsuits are against the same party, Ventura County. These five lawsuits are based on the same administrative record supporting the two December 19, 2002 approvals. Indeed, the Court at the April 24, 2003 status conference recognized the need for one administrative record for these cases. These five lawsuits were filed in Ventura County Superior Court in the month of January 2003, and these five lawsuits were later transferred to Riverside County Superior Court.

In contrast to the five cases above which challenge Ventura's approvals on December 19, 2002 on CEQA and other related grounds, the oak tree lawsuit relates to the inaction of the County of Los Angeles (not Ventura) with respect to the pending oak tree permit appeal. The oak tree permit at issue is necessary to construct an extension of Thousand Oaks Boulevard, which is located in Los Angeles County, for access to the Ahmanson Ranch property, which is located in Ventura County. Ahmanson appropriately applied for this permit and the County of Los Angeles Regional Planning Hearing Officer awarded the permit – Case No. 92-198-(3) – on May 18, 1994. That decision was appealed by two Project opponents to the Regional Planning Commission, the final body that may consider it before any court challenges. Eight years later, the County of Los Angeles Regional Planning Commission hearing on that appeal has yet to be completed.

The five CEQA cases and the one oak tree case are separate and distinct. All they share in common is the fact that the Ventura County December 19, 2002 approvals and the Los Angeles County 1994 oak tree permit approval are both necessary to implement the Ahmanson Ranch Project. That fact alone does not make these cases "related." There have been a total of 18 lawsuits filed in relation to the Ahmanson Ranch Project since its approval in 1992. Many were pending at the same time in separate courts in different counties, but were separate distinct actions that were not related. For instance, in 1994, Ahmanson sought a writ of mandate against the City of Calabasas to issue an encroachment permit to allow a road widening. (Los Angeles Superior Court, BS 025086, Order Granted August 8, 1994.)

1 And during that same period, nine petitions for writ of mandate were brought under CEQA
2 by Project opponents (including LA County) against the County of Ventura for its approval
3 of the Ahmanson Ranch Project. (Ventura County Superior Court, Case No. 124610,
4 Judgment Entered on March 29, 1994.) Thus, it is not unusual to have separate litigation
5 pending at the same time on such a project where many issues are distinct and not related.

6 **III. ARGUMENT**

7 California Rules of Court, Rule 804 defines a "related case" when both cases:

- 8 "(1) involve the same parties and are based on the same or similar claims; or
9 (2) involve the same property, transaction or event; or
10 (3) involve substantially the same facts and the same questions of law."

11 **A. The Five Substantive CEQA Cases Against Ventura Are Not Related to**
12 **The Oak Tree Case Against the County of Los Angeles**

13 The five CEQA lawsuits and the oak tree permit lawsuit are not based on
14 similar claims and do not require a determination of the same or substantially identical
15 questions of law. Moreover, these lawsuits will not require a substantial duplication of labor
16 if heard by different judges. (CRC Rule 804.)

17 The "transactions, happenings or events" upon which the one oak tree lawsuit
18 are based all relate to acts taken (or not taken) by the County of Los Angeles from 1994 to
19 the present in relation to May 18, 1994 approval of an oak tree permit [Case No. 92-198-(3)]
20 for the removal of 10 trees. The oak tree lawsuit seeks a writ of mandate to compel the
21 County of Los Angeles to hold and complete the hearing commenced on September 21,
22 1993, but continuously put off due to a variety of excuses.

23 The oak tree lawsuit seeks a writ of mandate against Los Angeles County to
24 compel an official duty, the mere holding of a public hearing, under the Los Angeles County
25 Zoning Code, and a determination that the County of Los Angeles has violated constitutional
26 and statutory due process rights for its continued refusal to complete the appeal process over
27 the past nine years (from 1994 to the present).

28 In contrast, the five CEQA cases pending in this Court involve the County of

1 Ventura as a defendant. They are lawsuits bringing substantive claims against Ventura
2 County for its alleged failures under CEQA, the Subdivision Map Act and other laws based
3 on its December 19, 2002 approvals.

4 Determination of the procedural question of whether the County of Los
5 Angeles is required to hold a public hearing will not require a review of the County of
6 Ventura's actions or omissions under CEQA, the Subdivision Map Act or any other
7 substantive laws. Thus, there will be no duplication of labor. A decision in the one oak tree
8 lawsuit will not require a review of the administrative record being prepared by Ventura with
9 regard to its December 19, 2002 approvals for the other five CEQA cases. Hence, this action
10 will not require or involve a review of the "same facts."

11 In sum, the five CEQA cases against Ventura and the one oak tree lawsuit
12 against the County of Los Angeles are not related.

13 **B. A Single Cause of Action in a Lawsuit is Not Appropriately Singled Out**
14 **As a "Related Case"**

15 In its Notice of Related Cases, the County of Los Angeles is seeking to relate a
16 single cause of action as a "related case." A single cause of action does not appear to be the
17 proper subject of a Notice of Related Cases. The definition of "related case" under Rule 804
18 of the California Rules of Court does not contemplate subdividing a case into its individual
19 causes of action and relating some claims and not others. The definition clearly specifies
20 that a related case is another "action" or another "case," and not an individual claim within
21 such action or case.

22 As it happens, the fifth cause of action in the *County of Los Angeles* case was
23 simply tagged on to the CEQA claim. As such, it was filed in the wrong court and in the
24 wrong lawsuit. Neither Ventura County, where the lawsuit was filed, nor Riverside County,
25 where the lawsuit was transferred, may properly hear the fifth cause of action.

26 The principal relief sought by both parties relates to actions on real property
27 located in Los Angeles County, where the oak tree permit was granted. Ahmanson Land
28 Company seeks a writ of mandate to compel the County of Los Angeles to hold a hearing on

1 an appeal of an oak tree permit the County of Los Angeles granted in 1994. The oak trees
2 are located in the County of Los Angeles. The permit was granted in the County of Los
3 Angeles.

4 Venue must be in County where land is located. (CCP § 392(1); Ophir Silver
5 Mining Co. v. Superior Court (1905) 147 Cal. 467.) Thus, the trial may only be held in the
6 county where the real property is situated. (Fletcher v. Nordesta Homes, Inc. (1961) 192
7 Cal. App. 2d 33.)

8 Where lawsuits involving real property are brought in the wrong county, a
9 change of venue is the proper remedy. (Watts v. White (1859) 13 Cal. 321.) Venue in an
10 action involving real property is designed to promote the convenience of the court, litigants
11 and witnesses, therefore the defendant does not have the burden of demonstrating
12 convenience. (Foundation Engineers, Inc. v. Superior Court (1993) 19 Cal. App. 4th 104.)

13 Also, LA County seeks a declaration of rights between LA County and
14 Ahmanson, but Ahmanson is not a defendant in its CEQA lawsuit against Ventura County.
15 Only Ventura County is a defendant.

16 For all of the above reasons, the fifth cause of action is not properly the subject
17 of a Notice of Related Cases.

18
19 **IV. CONCLUSION**

20 In sum, the five CEQA cases against Ventura County and the one oak tree
21 lawsuit against the County of Los Angeles are not related because they involve different

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1 claims for actions taken in different counties, different property in different counties, and
2 will be based on different facts.

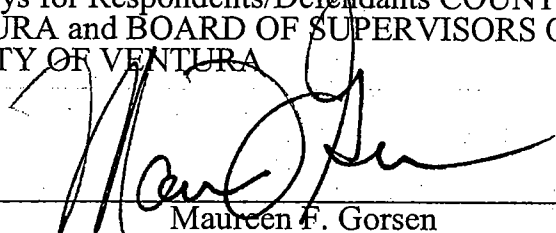
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4 DATED: May 1, 2003

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16 
Maureen F. Gorsen

PROOF OF SERVICE

I, Ceniza Reynoso, declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Weston, Benshoof, Rochefort, Rubalcava & MacCuish LLP, 333 South Hope Street, Sixteenth Floor, Los Angeles, CA 90071.

On May 1, 2003, I served the document(s) described as **COUNTY OF VENTURA AND AHMANSON LAND COMPANY'S OPPOSITION TO NOTICE OF RELATED CASES FILED BY THE COUNTY OF LOS ANGELES** on the interested parties in this action by enclosing the document(s) in a sealed envelope addressed as follows:

See Attached Service List

☒ BY MAIL: I am "readily familiar" with this firm's practice for the collection and the processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, the correspondence would be deposited with the United States Postal Service at 333 South Hope Street, Los Angeles, California 90071 with postage thereon fully prepaid the same day on which the correspondence was placed for collection and mailing at the firm. Following ordinary business practices, I placed for collection and mailing with the United States Postal Service such envelope at Weston, Benshoof, Rochefort, Rubalcava & MacCuish LLP, 333 South Hope Street, Los Angeles, California 90071.


☐ BY FEDERAL EXPRESS ☐ UPS NEXT DAY AIR ☐ OVERNIGHT DELIVERY: I deposited such envelope in a facility regularly maintained by ☐ FEDERAL EXPRESS ☐ UPS ☐ Overnight Delivery [specify name of service:] with delivery fees fully provided for or delivered the envelope to a courier or driver of ☐ FEDERAL EXPRESS ☐ UPS ☐ OVERNIGHT DELIVERY [specify name of service:] authorized to receive documents at Weston, Benshoof, Rochefort, Rubalcava & MacCuish LLP, 333 South Hope Street, Los Angeles, California 90071 with delivery fees fully provided for.

☐ BY FACSIMILE: I telecopied a copy of said document(s) to the following addressee(s) at the following number(s) in accordance with the written confirmation of counsel in this action.

☒ [State] I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ [Federal] I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 1, 2003 at Los Angeles, California.


Ceniza Reynoso

City of Agoura Hills v. County of Ventura
Riverside County Superior Court Case No. RIC 390522

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